

In re PULLELA ET AL., Application No. 10/625,063  
Amendment B

**REMARKS**

The final Office action dated February 22, 2006, and the references cited have been fully considered. In response, please enter the enclosed Request for Continued Examination (RCE) and the following amendments, and consider the following remarks. Reconsideration and/or further prosecution of the application is respectfully requested. No new matter is added herein.

Applicants have taken this opportunity to use already paid for claim fees to add new dependent claims 26-29 which recite a variant of processing the packet based on said generated masked flow identification value, with support provided at least by step 110 of FIG. 1A of the originally filed application. No new matter is added.

Applicants appreciate the thoughtful examination of the application, and for providing applicants a copy of the 1449 associated with the IDS properly filed via facsimile on 1-12-06.

**Missing Page of Returned 1449 of eIDS.** To clarify the record, Applicants request the Office return an initialed, signed and dated copy of the 1449 of the electronic Information Disclosure Statement, properly filed on January 12, 2006. The USPTO's Electronic File Wrapper and the mailed Office action include only page 2 of this 1449. Applicants request that an initialed, signed and dated copy of the entire 1449 of this eIDS be sent to Applicants.

Applicants further note that another eIDS is being filed on the same day as this paper.

**§ 101 Issues.** Applicants have elected to file cross-terminal disclaimers in both this application and in 10/625,012, to remove the § 101 issue in a financially cost-effective manner. Canceled claim 11, and pending claims 12-17 are rejected under § 101 as computer-readable media was not limited to tangible media for containing the instructions and/or data. Applicants have amended the specification and independent claim 12 to specify that the computer-readable medium tangibly embodies the instructions. For at least these reasons and that claim 11 was cancelled in a previous amendment, Applicants request the rejections be withdrawn.

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**Rejections Based on Prior Art.**

In regards to pending independent claims 2, 10, 12, and 20, Applicants again respectfully submit that the prior art of record neither teaches nor suggests all the recited limitations; and therefore, are allowable. Applicants respectfully request the withdrawal of all rejections based on prior art as all claims depend from one of these allowable independent form. As each of independent claims 2, 10, 12, and 20 recite similar elements/limitations, Applicants will address claim 1 with these remarks applicable to these other claims.

It is well-established law that the burden is on the Office to initially present a *prima facie* unpatentability (e.g., anticipation, obvious) rejection, before Applicant has any burden of proof of disproving any application of a cited reference against a claim. *In re Warner*, 379 F.2d 1011, 1016, 154 USPQ 173, 177 (C.C.P.A. 1967); *Ex parte Skinner*, 2 USPQ2d 1788, 1788-89 (B.P.A.I. 1986). The MPEP and law is clear that for anticipation, the reference *must teach each and every aspect of the claimed invention* either explicitly or impliedly, and the burden is on the Office to present a *prima facie* case of anticipation. MPEP § 706.02. Inherent means it *must* occur. The fact that a certain result or characteristic *may* occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. MPEP § 2112 (*emphasis in original*). Moreover, obviousness under 35 USC § 103(a) requires "the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." MPEP § 706.02(j) (*citing In re Vaack*, 947 F.2d 488 (Fed. Cir. 1991))(emphasis added). Applicants respectfully submit that for at least original claims 19-27, such an initial showing has not been done.

Claim 2 recites, *inter alia*, "masking the flow identification value with the flow identification value mask to generate a masked flow identification value," with the elements of the flow identification value with the flow identification value mask previously introduced in the claim (i.e., this previous introduction provides the antecedent basis for these elements). The Office action equates Ikeda et al.'s VPI/VCI indication as the recited limitation of "the flow

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Kirk D Williams

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